

Dismembered:

Citizen Sacrifice in Rousseau's "The Levite of Ephraïm"

What picture [*tableau*] am I going to offer to your eyes? The body of a woman cut into pieces [*coupe par piece*].¹

In "The Levite of Ephraïm" (1762), the minor prose poem which he claimed was his "most cherished" of all his works,² Jean-Jacques Rousseau re-writes a notorious episode from the Book of Judges. To recount the original Biblical story,³ Judges 19-21 tells of a "certain Levite" (Judges 19: 1), living in Mount Ephraïm, whose concubine is raped and murdered by members of the Tribe of Benjamin. It is with this shocking act of sexual violence that the story really begins because it sets in motion a cycle of new acts of mimetic violence: rape, murder, revenge, war, kidnap and, finally, murder and rape again. As the Biblical narrative relates, the wronged Levite carves his concubine's dead body into twelve parts (Judges 19: 29) and sends a piece to each of the twelve Tribes of Israel – upon which the outraged Israelites, seeking revenge, go to war against the Benjaminites in the Battle of Gibeah. However, after waging a holy war which reduces the Benjaminites to the point of extinction, the Israelites repent and decide that, as a fellow Tribe of Israel, the Benjaminites must be allowed to survive. If the Israelites ultimately decide to have mercy on the Benjaminites, they are faced with the problem of finding women to marry the remaining men of the Tribe and have children with them (Judges 21: 1). For the Israelites, the solution is one final act of extreme violence: they kidnap young women from the town of Jabesh Gilead, and later from the Feast of Shiloh – killing

all the remaining men, women and children – so they can be wedded to the surviving men of the Tribe of Benjamin. In this pre-monarchical Israel of the Judges, the Biblical narrative reminds us, “there was no king in Israel: every man did that which was right in his own eyes” (Judges 21: 24-25).

To be sure, Rousseau’s re-writing of the Levite’s story is by no means a faithful recollection of Judges 19-21 but a new textual “dismembering” of the Biblical corpus itself which adds to, and subtracts from, its source narrative at key points. It is perhaps in these embellishments of, and deviations from, his original source in “The Levite of Ephraïm” that we can begin to glimpse his own political theological project coming into view. As a number of scholars have observed, he romanticizes and sentimentalizes the – minimalist, ambiguous and neutral – narrative record given in Judges.⁴ For Rousseau, the Levite is less a Biblical victim than a tragic Romantic hero who, in a revealing addition to the original text, drops dead immediately after delivering his plea for justice on behalf of his dead lover. In another key revision, Rousseau depicts the Israelites burying him together with the reconstructed body of his concubine before they set off to fight the Battle of Gibeah.

If Rousseau embroiders the beginning of the Biblical narrative, though, his most substantial addition is a re-writing of its notorious conclusion: what Judges 19-21 presents as the Benjaminite’s kidnapping and rape of the women at the Feast of Shiloh is re-cast as the women of Shiloh’s own – apparently free – decision to marry into the Tribe of Benjamin. To make this change possible, Rousseau invents a wholly new character: “Axa,” a woman of Shiloh who renounces her betrothed Elmacin upon her father’s advice, and agrees to marry a Benjaminite. In the figure of Axa, Rousseau seems to offer the tableau, not of an innocent female victim, but of something closer

to a free citizen martyr whose sacrifice makes possible the reunification of the Israelite body politic:

Straightaway, as if by a sudden inspiration, all the young women, carried along by the example of Axa, imitate her sacrifice [*imitent son sacrifice*], and renouncing their first loves, they deliver themselves to the Benjaminites who pursued them. At this touching sight arose a cry of joy in the midst of the People. Virgins of Ephraim, through you Benjamin is going to be reborn [*va renaître*]. Blessed be the God of our fathers! There are still virtues in Israel.⁵

For Rousseau, however, “The Levite of Ephraïm”’s (triumphant?) peroration contains a disturbing irony: what enables the reconstruction of the disparate tribes of Israel into one single political body after the murder of the concubine is another body of a woman who is (at least figuratively) cut into pieces. It is intriguing that he uses exactly the same language to describe Axa’s decision to renounce her lover and marry as he earlier used to describe the concubine’s rape and murder. After all, both are left “half-dead [*demi-morte*]” at the hands of the Benjaminites.⁶ To bring to a closure the cycle of violence that began with the mutilation of the Levite’s concubine, Axa must politically divide her own body into public and private selves by sacrificing her personal desires for the sake of her political obligations: a certain dismemberment thus seems to be the blood price of the larger political re-membering which will conclude, in the Hebrew Bible, with the formation of a united monarchy under a Benjaminite King, Saul. In this sense, “The Levite of Ephraïm” ends where it began: “What picture am I going to offer to your eyes? The body of a woman cut into pieces.”

What is the meaning of this dismembered body at the heart of the dismembered body that is “The Levite of Ephraïm”? It is a question that, appropriately enough,

also divides Rousseau scholars. As we will see, they have read Axa as everything from a prototype of the free Republican individual doing her duty for her state to the innocent victim of brutal political coercion,⁷ whereas the text more widely has been interpreted as a – positive or negative, sincere, ironic or critical – allegory of the passage from the state of nature to the social contract.⁸ If Rousseau scholarship is itself divided over how to interpret the highly ambiguous conclusion of “The Levite of Ephraïm,” this divide arguably reflects the larger critical dissensus over Rousseau’s political theory more generally, which has (of course) led to it being interpreted as a harbinger of everything from authoritarianism and even totalitarianism (Jacob Talmon) to liberalism (John Rawls) over the last 250 years or so.⁹ In many ways, the Levite’s battle for the corpse of his concubine could thus be read as a microcosm for this larger battle over the political “body” of Rousseau.

This essay offers a new reading of Rousseau’s political theory from “The Levite of Ephraïm” to his theory of Civil Religion by focusing on what I want to call his political theology of citizen sacrifice. It seeks to challenge, or at least complicate, the terms of the orthodox critical reception not only of Rousseau’s political theory but arguably of the history of modern political theory more generally in terms of a – predominantly secular – debate between negative and positive liberty, liberalism and republicanism, freedom from, and submission, to the state,¹⁰ by identifying what I will posit to be a certain political theological “middle ground” where consent and coercion seem to come together in the figure of the religious martyr or sacrificial victim. As we will see, Axa’s free, voluntary and yet forced act of self-sacrifice for the state is perhaps the paradigm for that ambiguous Rousseauian political subject in whom freedom and submission paradoxically coincide – the citizen who is “forced to be free,” as Book 1, Chapter 7 of the *Social Contract*, puts it, or perhaps (as I will

argue) even free to be forced.¹¹ To map out my argument, I contend that Rousseau's political theory begins by seeking to prohibit religious sacrifice as something inimical to both natural and positive law, but ends up attempting to appropriate or internalize this sacrificial economy within the state itself: religious sacrifice must itself be "sacrificed" (in the sense of both being put to death and consecrated or preserved) to civil sacrifice. If Civil Religion can be read as a kind of machine for making martyrs – something designed to produce a good citizen who is willing to die for the state – then we are forced to re-think this allegedly "weak," non-sectarian superstructure of Rousseau's political theory otherwise: what he presents as the civil state's means of domesticating sectarian religious violence is rather a disturbing means of obtaining a state monopoly upon sacralized violence. In what follows, then, I offer an anatomy of the (dismembered) body of the citizen martyr across Rousseau's literary, political and philosophical corpus. Why, to return to "The Levite of Ephraïm," do we find a body cut into pieces at the primal scene of the state?

Rousseau on Sacrifice

In his career-long critique of institutional religion, which stretches from the *Discourse on the Origin and Foundations of Inequality* (1755), through *Julie or the New Eloise* (1761) and *Émile or On Education* (1762) up to *The Social Contract* (1762), Rousseau consistently condemns religious sacrifice. To put his position bluntly, sacrifice – and more precisely the act of *self*-sacrifice or martyrdom for one's religious beliefs – is against both natural and positive law and thus (almost) never justified. If Rousseau advances a series of arguments against sacrifice – ontological, ethical and political – I argue that he never entirely rules out, and indeed even glorifies, one specific form of sacrifice, namely, the *political* sacrifice of the citizen's life for the good of the state whether it takes the form of risking one's life or dying in

warfare or dying under a sentence of capital punishment. In a logic that we will witness at work throughout his political theory, Rousseau excludes what he sees as the unnatural and uncivil theology of religious sacrifice or martyrdom from the state only to re-integrate it into the state in his theory of the citizen. What, then, are the roots of this new political theology of citizen sacrifice?

To begin at the ground zero of his philosophical anthropology, Rousseau's account of "natural" man in the *Second Discourse* follows such predecessors as Hobbes, Locke and Spinoza by insisting that any human being who is willing to kill themselves (or even another) for whatever reason is almost always acting against nature. It would seem that man's classic desire for "self-preservation" (*amour-de-soi*) – coupled with his essential pity at the suffering of others – renders self-killing simply unnatural.¹² If citizens in modern society all too easily bemoan their existence – "and some even deprive themselves of it as far as they are able" regardless of divine or human laws – the *Second Discourse* revealingly contrasts the modern citizen with the *beau savage* in the state of nature who, allegedly, knows nothing of suicide. In Rousseau's words, "I ask whether anyone has ever heard tell that it so much as occurred to a Savage, who is free, to complain of life and to kill himself?"¹³

For Rousseau, a human being does retain the right to take his or her life in certain exceptional circumstances but they are very much the exceptions that prove the rule of self-preservation. It is worth remembering here the amusing *caveat scriptor* that he issues to any authors tempted to commit the inductive fallacy in *Idea of Method in the Composition of a Book* (1745): "What! Because two or three madmen kill themselves daily in London, the English do not fear death?." ¹⁴ If a wise man may be entitled to take his own life "when nature or fortune distinctly conveys to him the

order to depart,”¹⁵ he argues in the *Letter to Voltaire* (1756), this unfortunate individual is vastly outnumbered by the many who natural law clearly commands to live. “In the ordinary course of things,” Rousseau writes, “human life is not, all in all, a bad gift, whatever may be the evils with which it is strewn; and while it is not always an evil to die, it is very seldom one to live.”¹⁶

If Saint Preux famously advances a powerful set of arguments in favour of self-killing in *Julie or the New Eloise* (1761), his correspondent Milord Édouard warns him that, in addition to being a sin, suicide is also against positive law.¹⁷ Yet, what is arguably most interesting about this particular moment in their debate is that it circles around a celebrated classical example which (as we will see momentarily), has revealing implications for Rousseau’s political theology of sacrifice more widely, namely, the suicide of Socrates by judicial order as reported by Plato in the *Phaedo*. In response to Saint Preux’s claim that Socrates’ death vindicates his claim for the right to dispose of his own life, Édouard replies that, unlike his correspondent, Socrates actually obeyed the law: “The laws, the laws. Young man! Does the wise man scorn them? Guiltless Socrates, out of respect for them was unwilling to leave prison. You do not hesitate to violate them in order to leave life unjustly, and you ask: what harm am I doing?.”¹⁸

What, finally, does Rousseau’s own theory of natural religion – which famously claims that knowledge of God proceeds from our observation of natural phenomena rather than religious dogma – have to say about the theology of religious sacrifice? For the Savoyard Vicar in *Émile* (1762), sacrificial theology belongs to that species of dogmatic or artificial religion which perverts our natural pity for the suffering of others: “I see in it only the crimes of men and the miseries of mankind.”¹⁹ “If artificial

religion “depicted for us only a God who is angry, jealous, vengeful, partial, one who hates men, a God of war and of battles, always ready to destroy and strike down [foudroyer], always speaking of torments and suffering, and boasting even of punishing the innocent,” he goes on, then “my heart would not be attracted toward this terrible God, and I would take care not to give up the natural Religion for this one.”²⁰ In his *Letter to Christophe de Beaumont, Archbishop of Paris* (1763), written the year after *Émile*, Rousseau goes on to offer what is perhaps the single most compelling formulation of his critique of religious sacrifice:

I neither say nor think there is no good Religion on earth. But I do say, and it is only too true, that there is none among those that are or have been dominant that has not cruelly wounded humanity. All parties have tormented their brothers, all have offered to God sacrifices of human blood. Whatever the source of these contradictions, they exist. Is it a crime to want to eliminate them [*vouloir les ôter*]?²¹

In many ways, Rousseau’s political theology of citizen sacrifice really begins with the question he begs in the *Letter to Beaumont*: what exactly might it mean to “eliminate” religious sacrifices to God? It is possible, as Karant observes, to find one, albeit disturbing, answer to this question in the philosopher’s claim in the *Letter to d’Alembert on the Theatre* (1758) that the only way to resist dogmatic fanaticism – in this case the “fanaticism” of Islam – is not with reason but with a species of what we might almost call counter-fanaticism: “Once fanaticism exists, I see only one way left to stop its progress; that is to use its own arms against it,” he writes, “One must leave philosophy behind, close the Books, take the sword, and punish the impostors.”²² As we are beginning to see, he deploys a range of arguments to put religious sacrifice to the sword, but arguably his most remarkable position is to (quite literally) take hold

of that sword for the civil state. To return to the classical example Rousseau recruits to the case against suicide in *Julie*, I find it telling that Socrates' obedience to Athenian law did not in fact prohibit his suicide but rather *authorized* his death at his own hands: the Greek philosopher effectively becomes his own executioner by drinking hemlock in fulfilment of his sentence to death by poisoning.²³ Yet, this classical scene of state-sanctioned self-killing is by no means an isolated moment in Rousseau's corpus, but one which recurs serially across a range of texts. If Milord Édouard gives a point-by-point rebuttal of Saint Preux's claim to the right to suicide in *Julie*, it is rarely remarked that one of his key arguments against suicide is that it constitutes, not so much a waste of life, as the waste of a *death* that should properly be reserved for acts of self-sacrifice in a political cause: "Where is that virtuous patriot who refuses to sell his blood to a foreign prince because he must shed it only for his country," Édouard asks, "and who now, a desperate man, means to shed it against the express injunction of the laws?." ²⁴ In the *Social Contract* (1762), and particularly in the elliptical concluding chapter, "Of Civil Religion," we can begin to see more clearly how Rousseau transforms the archaic theology of religious sacrifice into this new political theology of citizen sacrifice.

Rousseau on "Civil Religion" (1762)

In many ways, Rousseau's theory of Civil Religion is now so familiar that it scarcely needs further rehearsal, but what is much less recognized is the extent to which this "purely civil profession of faith"²⁵ is also designed to make possible the ultimate sacrifice that the citizen (allegedly) owes the state: death. To neutralize the threat posed to the state by religious violence – and particularly religious sacrifice – I argue that Rousseau again internalizes a sacrificial economy within the civil state itself. For Rousseau, what is called "Civil Religion" is, despite its nominally "weak" reputation,

a religion of blood sacrifice which is designed to make possible the citizen's surrender of their life to the state. In a sacrificial logic that is embedded in Rousseau's Civil Religion, the citizen must be willing to voluntarily give up their individual life to preserve their greater political life. Why, then, must a good citizen become something close to a martyr?

To trace the origins of his theory of Civil Religion, we might be able to detect a shift here from Rousseau's earlier work – which warns against the kind of Hobbesian “ends-justifies-the-means” consequentialism that seeks to sacrifice the individual to the collective – to the later work, which constantly invokes the *necessity* of individual sacrifice to preserve the civil state. It is his position in the *Discourse on Political Economy* (1755), for example, that the civil state exists to preserve the lives of its individual members rather than the other way around. As he famously argues, “If we are told that it is good that a single citizen perish for all, I will admire this statement from the mouth of a worthy and virtuous patriot who voluntarily and out of duty consecrates himself to die for his country's safety [*qui se consacre volontairement et par devoir à la mort pour le salut de son pays*].” Yet, “if what is meant is that the government is permitted to sacrifice one innocent person for the safety of the many,” he goes on, “I hold this to be one of the most execrable maxims that tyranny ever invented.”²⁶ If Rousseau's condemnation of sacrificial violence seems categorical here, we can again observe a curious exception to this rule – the self-sacrifice of the “virtuous patriot.” In “Of Civil Religion,” what is at stake is precisely the question of how the “innocent person,” who is wrongly and forcibly sacrificed by the state, can be converted into the “patriot,” who rightly and voluntarily consecrates himself to die for his country's safety.

For the Rousseau of the *Geneva Manuscript*, we can already begin to see that Civil Religion not only marks the passage from sectarian faith to a civil faith but from a classic sacrificial theology to a modern political theology of citizen sacrifice. To turn to a remarkable passage which was omitted from the published version of the *Social Contract*, he describes Civil Religion as indispensable to a civil society not simply because it instils within the citizen a love of country or respect for the law but because it inculcates the ethic of citizen sacrifice without which no state can survive:

As soon as men live in society, they must have a Religion that keeps them there. A people has never subsisted nor will subsist without Religion, and if it were not given one, it would make one itself or soon be destroyed. In every state that can require its members to sacrifice their lives, anyone who does not believe in the afterlife is necessarily a coward or a madman.²⁷

If Rousseau argues that all religions seem to require “sacrifices of human blood” by their adherents in the *Letter to Beaumont*, he here reverses this causality: the citizen requires a species of religious belief in order to be able to perform the acts of sacrifice which are essential to the continuing survival of every state. In Rousseau’s political theory, we might suspect that Civil Religion is invented precisely to meet this sacrificial demand by the state: this belief in a civic species of “afterlife” – a political life which is, like the General Will, greater than the sum of the lives of the individual citizens who compose it – induces the citizen to lay down their lives to protect and defend that state.

If we can now turn to Rousseau’s actual theory of Civil Religion in detail, the philosopher famously presents this civil profession of faith as a kind of proto-Hegelian synthesis between three existing species of religion, which, at least according to his verdict, each possess broadly symmetrical strengths and

weaknesses. To quickly unpack his taxonomy, Rousseau speaks of: (1) the Religion of “Man,” a proxy for Christianity, which is spiritually pure but too personal, otherworldly and apathetic to be able to defend the civil state against its enemies; (2) the Religion of “the Citizen,” which instills man with the spirit of patriotism necessary to fight, but is too empty, ceremonial and intolerant of other states and faiths and, finally, (3) the Religion of “the Priest,” a surrogate for Roman Catholicism, which creates a fatal fissure or division between Christ and Caesar, civil and religious orders, and potentially leads to the breakdown of civil society. For Rousseau, Civil Religion must be a kind of political fusion or aggregate of the Religions of (1) Man and (2) the Citizen, which seeks to overcome the divisions inherent in (3) the Religion of the Priest, by reconciling individual freedom and civil obligation, private expression and public worship, pacifism and militarism. In his famous description, all citizens must profess their faith in a civil religion with a minimal set of basic dogmas to which believers of all religions can subscribe: “The existence of the powerful, intelligent, beneficent, prescient, and provident Deity”; “the life to come”; “the happiness of the just, the punishment of the wicked” and “the sanctity of the social Contract and the Laws.”²⁸

What makes possible the – apparently bloodless – philosophical coup of Civil Religion over the respective religions of Man, the Priest and the Citizen? To retrace Rousseau’s dialectical steps more slowly, we can begin to see that the common denominator between his two principal antagonists – Man and the Citizen – is, once again, a willingness to die. It may appear that the religions of Man and the Citizen out of which Civil Religion is formed are diametrically opposed – as internal versus external, private versus public, peace-seeking versus warlike and so on – but what all their believers share (whether through sheer resignation or total commitment makes

no effective difference here), and what makes possible their eventual synthesis, is an unconditional embrace of death for their civil states. As Rousseau observes, citizens who practice the religion of Man “will march to battle without hesitation” even if “they know better how to die than to win”²⁹ whereas citizens who profess the religion of the state will readily believe that “[t]o die for one’s country is to be a martyr.”³⁰ If Rousseau undoubtedly believes that there is much *more* at stake to Civil Religion than simply the desire to die – a good citizen does not want to fight and die for its own sake but rather to win and carry on living – what is equally clear from “Of Civil Religion” is that (again in almost proto-Hegelian terms) this unconditional willingness to die is an essential *pre-condition* for the continuing existence of any republic – to the point where anyone who is not willing to give their life should be automatically excluded from that republic.³¹ In this sense, Rousseau is entirely justified in placing what we might call a certain love of death after love of life or law as the last of the articles of faith of Civil Religion:

There is therefore a purely civil profession of faith the articles of which it is up to the Sovereign to fix, not precisely as dogmas of Religion, but as sentiments of sociability; without which it is impossible to be either a good Citizen or a loyal subject. Without being able to oblige anyone to believe them, the Sovereign may banish from the State anyone who does not believe them; it can banish them, not as impious, but as unsociable, as incapable of sincerely loving the laws, justice, and, if need be of sacrificing his life to his duty
[*d’immoler au besoin sa vie à son devoir*].³²

In the more than 250 years since its inception, Rousseau’s theory of Civil Religion has been read as everything from a harbinger of state republicanism or even totalitarianism (which completes the Hobbesian project of constructing a total state

fusing religious and civil authority in the figure of a strong civil sovereign) to a precursor to the liberal state (which continues the work of Locke in effectively creating a weak, neutral public space by privatizing religious confession).³³ It is still possible to witness this kind of debate in contemporary Rousseau scholarship on Civil Religion. On the one hand, Christopher Bertram describes a relatively tolerant Rousseau for whom citizens publicly profess a minimal faith whilst reserving the right to believe whatever they wish in private.³⁴ On the other, Joshua Karant presents a potentially more authoritarian Rousseau for whom citizens are compelled to believe in their civil religion on pain of expulsion or even death.³⁵ Yet, arguably Ronald Beiner is closest to my own position here when he describes Rousseau's Civil Religion as a "paradox rather than a proposal," which seeks to square the circle between liberalism and republicanism – to which I would only add that this aporia is not a mere error or deviation in his corpus so much as the animating tension of his political theory.³⁶ To place the philosopher's sacrificial political theology in this context, I thus suspect that there is an excluded middle in the debate between the absolutist and the liberal Rousseau: what emerges in Civil Religion is neither the birth pangs of state totalitarianism nor of liberal democracy so much as a certain sacrificial counter-fanaticism. For Rousseau, Civil Religion seems constructed to neutralize the threat posed by religious violence – instituting a set of classic oppositions between individual freedom and political obligation, private and public worship and so on – but this allegedly "liberal" gesture is again only accomplished by *incorporating* religious violence into the state in the form of a political theology of civil sacrifice: the good citizen is entitled to believe what they like but, as the text makes unarguably clear, they must be willing to die for their (civil) religion. If he is himself notoriously vague on what his Civil Religion might look like in practice, we can nonetheless detect certain echoes of this sacrificial political theology scattered

throughout his more concrete political policies and programmes – such as in his theory of self-authorizing sovereign killing in the *Social Contract* or his preference for civilian militias over professional standing armies in his *Considerations on the Government of Poland* (1772).³⁷ In each case, Rousseau founds the sovereign right to violence – whether it be the martial right to wage war or the civil right to inflict punishment and death – in the citizen’s own act of self-sacrifice:

The social treaty has the preservation of the contracting parties as its end.

Whoever wills the end, also wills the means, and these means are inseparable from certain risks and even certain losses. Whoever wants to preserve his life at the expense of others ought also to give it up for them when necessary.

Now, the Citizen is no longer judge of the danger the law wills him to risk, and when the Prince has said to him, it is expedient to the State that you die, he ought to die.³⁸

Rousseau on “The Levite of Ephraïm” (1762)

In Rousseau’s corpus, what I am calling the political theology of citizen sacrifice takes many forms – Socrates, the citizens of Sparta who are reared to fight and die in battle, Lucretia, whose self-sacrifice in *The Death of Lucretia* gives rise to the Roman Republic and even Julie herself who dies, in the words of her minister, “as a martyr”³⁹ – but it arguably finds its most graphic representation in a figure who has no exact parallel in his work: Axa in “The Levite of Ephraïm.”⁴⁰ To be sure, Rousseau’s prose poem has been read in many different ways, but one of the few things that scholars seem to agree upon is that it is an allegory for the (variously free, consensual, ironic or violent) passage from the state of nature to society: Thomas Kavanagh reads it as the story of a community discovering its unanimous general will, Elizabeth Wingrove depicts Axa’s marriage as a microcosm of the paradox of

republican freedom whereas Mira Morgenstern sees the latter as the kind of sham political foundation described in the *Second Discourse*.⁴¹ It even contains, as Kavanagh observes, many of the major *dramatis personae* from the *Social Contract*: the citizen (the Levite); the General Will (the Tribes of Israel), the criminal or public enemy (the Benjaminites) and the figure of the Legislator (the old man of Leborah).⁴² As I have argued elsewhere, Rousseau's reading can also be seen as a self-conscious contribution to a longer tradition of modern political readings— stretching from Grotius to Locke – all of which interpret the Book of Judges as describing the historical transition from the rule of the “judges” (Jephthah, Samson, etc.) to the rule of the kings (Saul, David).⁴³ If it seems unlikely that a barbaric story of rape, murder and revenge from the Hebrew Bible could provide a model for the *Social Contract* – still less the allegedly weak dogmas described in “Of Civil Religion” – then we might also recall here Jonathan Marks' intriguing observation that Rousseau sees Judaism as occupying the very middle ground between Republicanism and Christianity – between the this-worldly religion of the Citizen and the other-worldly religion of Man – that, as we have seen, he wants to claim for Civil Religion itself: “Judaism as Rousseau presents it – unlike the classical republic – embodies everything Rousseau finds good in religion without – unlike Christianity – destroying what Rousseau finds good in republican politics.”⁴⁴ In my own (somewhat less amelioratory) reading, Axa occupies the altogether more disturbing middle ground between Christianity and Republicanism described earlier in our own discussion of Civil Religion: a political theology of citizen sacrifice which both “religions” share. What, then, makes it possible to read Axa's free act of consent to her forced marriage as a kind of theological prototype for the citizen's own – equally free and forced – consent to the social contract?

To grasp what is taking place in Rousseau's re-writing of the Book of Judges (a story which begins and ends with the tableau of a *corps démembré*), I recall that it is an iteration of a persistent trope in his corpus: a dis-membered and/or re-membered body. It is now commonplace to read the scene where the Levite sends the body parts of his concubine as a "message" to the Tribes of Israel as a dramatization of his theory of language and, more precisely, of the alienation wrought by the transition from oral to written culture. As he remarks in the *Essay on the Origins of Language*, the Levite's unwritten message could never generate the same visceral response in modern France that it did in ancient Israel: "Nowadays, it would have been turned into lawsuits, debates, perhaps even jokes, it would have dragged on, and the most ghastly crime would finally have gone unpunished."⁴⁵ However, what is less noted is that he also mobilizes the same trope of dismemberment – and of *self*-dismemberment – throughout his corpus, to other, more productive, ends. To take the most famous example from Chapter 2, Book 2 of the *Social Contract*, Rousseau argues that political theory's attempts to divide the sovereign body into executive and legislative powers can be compared to the trick of a fairground magician pretending to saw a human body in two:

Japanese conjurors [*charlartans*] are said to carve up a child's body before the spectator's eyes, then, throwing all its members into the air one after the other, they make the child fall back down all alive and reassembled [*tout rassemblé*]. That is, more or less, what our politician's tricks [*les tours de gobelet*] are like: having dismembered the social body [*démembré le corps social*] by a sleight-of-hand [*prestige*] worthy of the fairground, they put the pieces back together no one knows how.⁴⁶

If Rousseau often deploys the analogy of the indivisibility of the physical body to prove the indivisibility of the body politic – it is no more believable that "an arm can

be injured or cut off and the pain of it not conveyed to the head,” he writes, than the General Will would “agree to have any member of the State...injure or destroy another”⁴⁷ – he also occasionally mobilizes the trope of (self-) dismemberment to the opposite effect: we can only preserve the life of the whole body – whether it be the natural body or the body politic – by *amputating* a part of that body. In *Julie*, Saint Preux’s defense of the right to suicide compares killing oneself to cutting off a wounded limb – “He who is unable to deliver himself from a painful life through a prompt death is like the man who prefers to let a wound fester rather than entrust it to the salutary knife of a surgeon”⁴⁸ – whereas the *Second Discourse* extends the same analogy to the political sphere in its description of voluntary servitude at the birth of society: “even the wise saw that they had to make up their mind to sacrifice one part of their freedom to preserve the other, as a wounded man has his arm cut off to save the rest of his Body.”⁴⁹

For Rousseau, “The Levite of Ephraïm” re-iterates what we might call this sacrificial biopolitics of dis- and re-membering in which the body natural or political must give up some part of itself to preserve the integrity of the whole. It is even tempting to read the prose poem as the philosopher’s own rendition of the Japanese conjuror’s magic trick. After all, Rousseau’s story, too, begins with a set of body parts being thrown into the air (in the form of the rape, murder and dissection of the concubine) and ends with their magical, albeit symbolic, reunification after the re-entry of the Benjaminites into the body politic of Israel. Yet, in this version of the magic trick, of course, something is missing when the pieces fall back to earth: what binds the body politic back together is the sacrifice of one part of itself to the whole. To return to Rousseau’s own embellishments to Judges 19-21 one final time, Axa voluntarily gives

up her life with her betrothed Elmacin upon her father's advice to marry one of the remaining men of the tribe of Benjamin:

Axa kisses his head and sighs without responding; but finally, raising her eyes, she encounters those of her venerable father. They said more than his mouth: she makes her choice [*elle prend son parti*]. Her weak and trembling voice scarcely pronounces in a weak and last farewell, the name of Elmacin, at whom she dares not look, and instantly turning around half-dead [*demi-morte*], she falls into the arms of the Benjaminite.⁵⁰

If the original Biblical story begins and ends with the Benjaminites perpetrating an act of sexual violence on a female body outwith their own tribe, Rousseau's crucial interpellation that Axa *consents* to her forced marriage seems to break this vicious circle: what was, at best, a story of archaic crime and punishment and, at worst, of permanent anarchic sexual violence inflicted upon the female body is arguably turned into another economy of citizen sacrifice, martyrdom and reward. In a symbolic act of self-dismemberment which (as Rousseau precisely puts it) leaves her "half-dead," Axa's renunciation of Elmacin and submission to the Benjaminite sacrifices her private body to the preservation of her public body and thus makes possible the reunification of the Israelites:

Straightaway, as if by a sudden inspiration, all the young women, carried along by the example of Axa, imitate her sacrifice, and renouncing their first loves, they deliver themselves to the Benjaminites who pursued them. At this touching sight arose a cry of joy in the midst of the People. Virgins of Ephraim, through you Benjamin is going to be reborn. Blessed be the God of our fathers! There are still virtues in Israel.⁵¹

If Axa is to be read as a theological prototype of the political citizen, however, we need to confront one particular issue which would seem, at first blush, to trouble or even contradict this interpretation. To put it bluntly, Axa is a woman – and the philosopher makes clear on numerous occasions (the *Social Contract*, *Emile* and so on) that women are not to be regarded as citizens. It is, moreover, precisely *because* women are deemed physically incapable of fighting in battle that they are excluded from participation in the political sphere and restricted to the (at best indirectly political) domestic realm of marriage and child-rearing. As Rousseau's rhetorical questions on pregnancy in *Emile* reveal, women are supposedly incapable by nature of performing the sacrificial function that he deems essential to citizenship: "Will a woman abruptly and regularly change her life without peril and risk? Will she be nurse today and warrior tomorrow?"⁵² However, Joel Schwarz, Elizabeth Wingrove, Tamela Ice and many other scholars have, nonetheless, canvassed for a much more complex relationship between the woman and the citizen in Rousseau's political imaginary: what we find in Julie, Lucretia, the Spartan mothers who rejoice at the deaths of their sons in battle and, finally, Axa would seem to be a more positive model of female civic virtue which blurs the boundaries between the mother and the warrior.⁵³ For Elizabeth Wingrove, who arguably offers the most detailed reading of "The Levite of Ephraïm" from this perspective, Rousseau's sexual politics and political Republicanism could even be said to mutually constitute each other: "sexual interaction is not *like* political interaction, nor are its identities preparatory in the sense of being prior to or separate from politics," she argues, "rather, the story of the Levite discloses how republican practices consist in the proper performance of masculinity and femininity."⁵⁴ In Wingrove's reading, Axa is neither a domestic non-political figure whose identity mimetically mirrors the political order, nor even a proto-political figure whose identity prepares for the advent of the political, but an

essentially political actor whose sexual sacrifice just is already a form of political sacrifice: “how Rousseau organizes a libidinal economy is how he organizes sovereignty, and the tortured version of consent we find here is exemplary of a republican world in which agreement to be ruled means that ‘no’ sometimes means ‘yes’.”⁵⁵

What, then, are we supposed to make of Axa’s moment of political death and rebirth, of dismemberment and re-memberment? Is it an act of (self-)enslavement, of mass political rape or enforced marriage of a non-citizen? Or a genuinely free decision taken by a citizen to do her duty to her political community? It seems difficult to place Axa into any of the ready-made binary subject positions (man/woman, warrior/mother, citizen/slave) which already populate Rousseau’s political universe: she is simultaneously not quite free enough to be a genuine republican citizen but, nonetheless, too free to be one of the voluntary slaves condemned in Book 1, Chapter 4 of the *Social Contract*, “On Slavery.”⁵⁶ As a number of scholars have observed, Axa’s decision is clearly depicted as a free act of “sacrifice” rather than of the kind of (self-) enslavement that he elsewhere deems to be unnatural: Rousseau’s text raises the possibility that Axa and the other women of Shiloh will become slaves to their Benjaminite husbands – “What, they cried vehemently, will the daughters of Israel be subjected and treated as slaves beneath the eyes of the Lord?” – but goes on to emphatically reject it by giving the women a free choice whether to marry or not.⁵⁷ To stick as closely as possible to the difficulty of Rousseau’s own text here – rather than making it fit pre-existing categories – I would thus prefer to stress the genuine ambivalence in his representation of Axa which troubles any attempt to reduce her to either martyr or scapegoat, political actor or rape victim: Axa’s decision to marry is indeed presented as free and unforced – her father does implore her to do her duty

as a daughter (“*fais ton devoir ma fille*”) but neither he, her lover, nor even the Benjaminites could be said to physically coerce her into marriage – yet, at the same time, the philosopher’s description of a woman falling “half-dead” into the arms of a man is hardly redolent of the free act of a strong political agent either.⁵⁸ If Rousseau scholars tend to read Axa as either the prototype of the free individual voluntarily doing her duty to her state or an innocent victim of brutal political coercion, as we will see momentarily, I again prefer to argue that she occupies precisely the middle ground *between* freedom and force – consent and violence – which is the proper territory of Rousseau’s own political theology of citizen sacrifice. In a reversal of his notorious depiction of the political subject as someone who must be “forced to be free,”⁵⁹ we might even argue that Rousseau’s “The Levite of Ephraïm” describes a subject who is paradoxically *free to be forced* – a subject who freely chooses to sacrifice her freedom, and even or especially her life, to the preservation of the life of the state.⁶⁰

In the last couple of decades, Rousseau scholars have begun to detect the same kind of divide between broadly liberal and authoritarian politics in “The Levite of Ephraïm” as they have in Rousseau’s political philosophy more generally: what was once regarded as little more than a psycho-biographical curiosity within Rousseau’s corpus is now read as everything from an allegory of the formation of an ideal political community founded on consent to a nightmarish parody of the social contract which reveals that it is underwritten by coercion.⁶¹ It is striking that Axa’s decision to marry also polarizes contemporary readers into something like pro- and anti-Benjaminite camps in a kind of symbolic re-fighting of the Battle of Gibeah. On the one extreme, Caroline Weber argues that she is simply “robbed of her inclinations and passed between men for the sake of national security.”⁶² On the

other, Michael S. Kochin states that she is taking a heroic “free” act of “renouncing inclination for duty.”⁶³ Yet, we can arguably detect the same curious excluded middle in this debate as we have throughout Rousseau’s reception history: what is presented as a simple choice between liberalism and absolutism in his political theory obscures the sacrificial core at the heart of his liberalism. To read Axa and the other women of Shiloh in this political theological context, they can be seen as paradigmatic Rousseauian citizens not because they represent *either* freedom *or* sacrifice but rather because, in Wingrove’s words, they best embody the republican paradox that freedom just is sacrifice: “they are instead exemplars of citizenly decision making in the context of an unalterable, constant, and supremely sovereign general will, where even or especially the citizens’ lives must be available for sacrifice.”⁶⁴ For Rousseau, Axa is certainly at liberty to decide her own fate – in the negative sense that she is not subject to any external interference – but what is more crucial to recognize here is that the philosopher has already framed what we might call her “positive” liberty as a binary choice – not between two alternative forms of life, between the life of freedom or submission, of the state of nature or the social contract – but rather between two violent *deaths*. If Axa chooses, she can put her public self to death for the sake of her private one (by marrying her betrothed but guaranteeing the extinction of the united Israelite community of which she is a member) or, as she finally decides to do, put her private self to death for the sake of her public one (by marrying a member of the Tribe of Benjamin at the cost of renouncing her own personal life and desires) – but, either way, she dies. In Rousseau’s political community, freedom is consent to the terms of one’s own dismemberment.

Conclusion

In drawing this essay to a close, I return to the question with which we began: why does Rousseau present the tableau of the body of a woman “cut into pieces” at the allegorical birthplace of the social contract in the “The Levite of Ephraïm”? To be sure, Rousseau’s tableau is ambiguous enough to suggest many possible interpretations of Axa – innocent victim of patriarchy, Girardian scapegoat, the corpse at a Freudian primal crime scene– but what I have argued here is that the dismembered body perversely becomes the paradigm of citizenship as such under the social contract. If Axa’s divided body is something like the archetype of Rousseau’s political citizen, then it becomes necessary to perform another critical deconstruction – yet another dismemberment – of the corpse of Rousseau’s own political ontology and, particularly, his philosophical anthropology: self-preservation is intimately intertwined with self-destruction, love of life with a certain love of death. What if the social contract is less a rational *quid pro quo* based upon a universal desire for self-preservation and more a sacrificial cult?

To recapitulate my own hypothesis: Rousseau proposes many different solutions to what he sees as the violent or atavistic theology of religious sacrifice – by variously contending that putting oneself (or another) to death on religious grounds is cruel, artificial and contrary to natural, religious and positive laws – but perhaps his most ingenious answer to this problem is to secure what we might call a state monopoly *upon* sacrifice. In order to neutralize the existential threat posed by religious violence to his putative state, Rousseau *politicizes* that violence in the form of a political theology of citizen sacrifice which variously expresses itself in civil punishment, warfare but most fundamentally in the citizen’s very accession to the social contract

itself: the civil sovereign becomes the only “god” who can legitimately demand human sacrifices from his believers.

For Rousseau, this sacrificial political theology can be traced from the *Second Discourse* to the *Social Contract* and beyond. To start with, his general prohibition against self-killing issued in such texts as the *Second Discourse*, *Julie*, *Emile* and so on always conceals a specific loophole or get-out clause which permits and even glorifies killing oneself for the state. If he also presents his theory of Civil Religion as a means of domesticating the violence of sectarian religions which are incarnated in sacrificial theology, we have seen that this allegedly weak profession of faith again contains a political theology which is explicitly designed to create a citizen who is capable of “sacrificing his life to his duty.”⁶⁵ In the same way as Axa falls “half-dead” into the arms of the Benjaminite, the good citizen falls half-dead into the arms of the state: they have already formally promised to give up their individual lives for that state as a condition for their citizenship.

If Rousseau’s political theology of citizen sacrifice has a long afterlife, its most immediate legacy is arguably to the French Revolution and, more precisely, to the martyrological political theology of a figure such as Maximilien de Robespierre. It is already well documented that the Revolutionary Cult of the Supreme Being (1794) is a kind of performative (mis-)reading of Rousseau’s theory of Civil Religion, but what is less recognized is the extent to which it also re-activates the latter’s sacrificial political theology. For Robespierre, whose speeches mobilize many of the same Greek, Roman and Christian martyrological tropes as Rousseau himself, republican citizenship is, above all, a sacrificial citizenship in which the willingness to die for the state becomes the ultimate proof of revolutionary virtue.⁶⁶ In his final speech to the National Convention – delivered less than 48 hours before his own dismemberment

at the guillotine – Robespierre even declares that, in a certain sense, he is already “*demi-morte*”: “I am a living martyr [*martyr vivant*]’ of the Republic.”⁶⁷

What, finally, does Rousseau’s political theology of citizen sacrifice bequeath to the theory and praxis of political modernity? It is well-documented that modern genealogies of political thought – and in particular exponents of liberal or republican theories of freedom – are often motivated by a shared suspicion of the religious past as, at best, a simple irrelevance to the articulation of republican civil virtue and, at worst, a dangerously anti-liberal threat to civil authority.⁶⁸ At the same time, though, Rousseau’s political theology has not simply disappeared: “Civil Religion” has instead become the proper name for a peculiarly North American modern political theology in which the citizen’s willingness to give their lives for the state in war or peace is deemed to be the “glue” that binds us together. For the sociologist of religion Robert Bellah, whose classic essay “Civil Religion in America” (1967) arguably begins this tradition, Rousseau’s political theological project can be extended into a reading of the North American political tradition from Lincoln’s Gettysburg Address of 1863 to Kennedy’s Inaugural Address in 1961. In the same way, Bellah also repeats the sacrificial core at the heart of Civil Religion: where Rousseau’s “Levite of Ephraïm” had told the story of how citizen sacrifice makes possible the reunification of Israel after civil war, Bellah contends that, from the American Civil War onwards, U.S. political discourse increasingly privileges themes of “death, sacrifice, and rebirth.”⁶⁹

In installing a body cut to pieces at the primal scene of the state, Rousseau also sets in motion a political theology of citizen sacrifice that persists to the present day. It is only by returning to the founding signatures of modern liberalism – Hobbes, Locke, Spinoza, Rousseau – that we can perhaps begin to understand why sacrifice may be

symptomatic of, rather than a historical precursor to, or a violent deviation from, the liberal project. As the contemporary legal theorist Paul W. Kahn has argued, we can only put liberalism “in its place” by recognizing that modern nation-states arose as “grand institutional structures for the sacrifice of their citizens to the idea of the necessity of the state’s continued existence.”⁷⁰ For Kahn, a political theology of citizen sacrifice, indeed of citizen filicide, rather than some mythical social contract can even be said to lie at the very origin of the modern liberal state itself:

The originary act rests on the faith that through death is life, the central idea of every sacrifice. There can be no nation of Israel as a community sustaining itself through history until families are willing to sacrifice their children for the existence of the state. They do so not because of a promise of their own well-being, as in Hobbes’ idea of the social contract, but because they have faith that the state holds forth an ultimate meaning. Sacrifice is the appearance of the sacred as a historical phenomenon.⁷¹

If Kahn’s neo-Schmittian claim that even modern liberal democracies demand from their citizens the right to kill and be killed has been accused of promulgating an aggressively anti-liberal political theology,⁷² we might reply that his argument is but the logical extension of Rousseau’s own political theology of civil sacrifice: it seems that we are all Axa now. What is “The Levite of Ephraïm,” after all, if not a story of how the nation of Israel sustains itself through history via the sacrifice of the child for the existence of the state? In our modern political theology of citizen sacrifice, Rousseau’s “Levite of Ephraïm” continues to dismember its children.

* I am very grateful to the anonymous reviewers of the original draft of this essay for their helpful and constructive comments.

¹ Jean-Jacques Rousseau, “The Levite of Ephraïm,” in *Essay on the Origin of Languages and Writings Related to Music*, trans. John T. Scott, *Collected Writings of Rousseau*, vol. 7 (Hanover: University Press of New England, 2009), 351-65, 353.

² Jean-Jacques Rousseau, *The Confessions and Correspondence, including the Letter to Malesherbes* ed. Christopher Kelly, Roger D. Masters and Peter G. Stillman and trans. Christopher Kelly and, *Collected Writings of Rousseau*, vol. 5 (Hanover: University Press of New England, 1998), 491.

³ All references to the Book of Judges are taken from the King James Bible.

⁴ To get a sense of the range of assessments of Rousseau’s “The Levite of Ephraïm,” see the following: Peggy Kamuf, *Signature Pieces* (Ithaca: Cornell University Press, 1988); Judith Still, *Justice and Difference in the Works of Rousseau: Bienfaisance and Pudeur* (Cambridge: Cambridge University Press, 1993); Mieke Bal, “A Body of Writing: Judges 19” in *A Feminist Companion to Judges* ed. Athalya Brenner (Sheffield: Sheffield Academic Press, 1993), 208-30; Elizabeth Wingrove, “Republican Romance,” *Representations*, no. 63 (Summer, 1998): 13-38; Thomas Kavanagh, “Rousseau’s *The Levite of Ephraim*: Synthesis within a ‘Minor’ Work” in *The Cambridge Companion to Rousseau* ed. Patrick Riley (Cambridge, Cambridge University Press, 2001), 397-417; Caroline Weber, *Terror and its Discontents: Suspect Words in Revolutionary France* (Minneapolis: Minnesota University Press, 2003); Michael S. Kochin, “Living with the Bible: Jean-Jacques Rousseau Reads Judges 19-21,” in *Hebraic Political Studies* 2, no. 3 (2007): 301-25; Mira Morgenstern, “Strangeness, Violence, and the Establishment of Nationhood in Rousseau,” *Eighteenth Century Studies* 41, no. 3 (2008), 359-81; Jonathan Marks,

“Rousseau’s Use of the Jewish Example,” in *Review of Politics* 73, no. 3 (2010), 463-481 and Theodore Ziolkowski, “The Dismembered Body in Myth and Literature: Isis and Osiris and the Levite of Ephraim,” *Comparative Literature* 69, no. 2 (2017): 143-159. In the course of their readings, a number of scholars comment on Rousseau’s revisions to the text: Kavanagh contends that Rousseau’s “expansions derive from a clearly pleasurable imagining of what might have been the Levite’s actions and reactions within the bare skeleton of the biblical narrative” (“Rousseau’s *The Levite of Ephraim*, 406) whereas Kochin argues that Rousseau “sentimentalizes Judges 19–21, one of the most violent passages in the Hebrew Bible” (“Living with the Bible,” 302).

⁵ Rousseau, “The Levite of Ephraïm,” 365.

⁶ Rousseau, “The Levite of Ephraïm,” 358, 365.

⁷ See Wingrove, “Republican Romance,” 30-31; Kavanagh, “Rousseau’s *The Levite of Ephraim*,” 413; Weber, *Terror and its Discontents*, 53; Kochin, “Living with the Bible,” 325 for a range of readings of Axa as passive sacrificial victim, free political actor or some combination of the two. I discuss these interpretations in more detail below.

⁸ See Kavanagh, “Rousseau’s *The Levite of Ephraim*,” 404, Wingrove, “Republican Romance,” 21 and Morgenstern, “Strangeness, Violence, and the Establishment of Nationhood in Rousseau,” 15-17 for different readings of “The Levite of Ephraïm” as a theological allegory for the social contract. I return to these interpretations in more detail below.

⁹ See the following for a range of assessments of Rousseau’s social contract theory from different perspectives: L. G. Crocker, *Rousseau’s Social Contract: An Interpretative Essay* (Cleveland, OH: Press of Case Western Reserve University, 1968); John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1972);

Jean Starobinski, *Transparency and Obstruction* trans A. Goldhammer (Chicago: Chicago University Press, 1988) and Christopher Bertram, “Rousseau’s Legacy in Two Conceptions of the General Will: Democratic and Transcendent,” *Review of Politics*, 74: 403–420.

¹⁰ See J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975); Philip Petit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 1997) and Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998) and Isaiah Berlin, *Liberty* ed. (Oxford and New York: Oxford University Press, 2002) for some of the classic contributions to this massive debate. I return to the secular assumptions of modern theories of liberty below.

¹¹ Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings* ed. by Victor Gourevitch. Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1997), I, 7, 53.

¹² Jean-Jacques Rousseau, *Discourse on the Origins and Foundations of Inequality Amongst Men, or Second Discourse* in *The Discourses and Other Early Political Writings* ed. Victor Gourevitch. Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1997), 111–231, 127.

¹³ Rousseau, *Second Discourse*, 150.

¹⁴ Rousseau, *Second Discourse*, 303.

¹⁵ Rousseau, *Second Discourse*, 236.

¹⁶ Rousseau, *Second Discourse*, 236.

¹⁷ Jean-Jacques Rousseau, *Julie, or the New Heloise: Letters of Two Lovers Who Live in a Small Town at the Foot of the Alps* ed. and trans. Philip Stewart and Jean Vaché (Hanover, NH: Dartmouth College Press, 1997).

¹⁸ Rousseau, *Julie*, 321-2.

¹⁹ Jean-Jacques Rousseau, *Emile or On Education (Includes Emile and Sophie, or the Solitaries)* ed. Christopher Kelly and trans. Christopher Kelly and Allan Bloom, *The Collected Writings of Rousseau* (Hanover, NH: University Press of New England, 2004), 459.

²⁰ Rousseau, *Emile*, 464.

²¹ Jean-Jacques Rousseau, *Letter to Beaumont, Letter from the Mountain and Related Writings* ed. Christopher Kelly and Eve Grace and trans. Judith R. Bush, *The Collected Writings of Rousseau*, vol. 9 (Hanover, NH: University Press of New England, 2001), 55.

²² Jean-Jacques Rousseau, *Letter to D'Alembert and Writings for the Theatre in The Collected Writings of Rousseau*, vol. 10 (Hanover, NH: University Press of New England, 2004), 273. See also Joshua Karant, "Revisiting Rousseau's Civil Religion," *Philosophy and Social Criticism*, 42, no. 10: 1028-1058, 1048.

²³ Plato, *Five Dialogues: Euthyphro, Apology, Crito, Meno, Phaedo* ed. by John M. Cooper and trans. by G.M.A Grube (Indianapolis: Hackett, 2002).

²⁴ Rousseau, *Julie*, 321.

²⁵ Rousseau, *The Social Contract*, IV, 8, 150.

²⁶ Rousseau, *The Social Contract*, 17.

²⁷ Jean-Jacques Rousseau, *The Geneva Manuscript in On the Social Contract: With Geneva Manuscript and Political Economy* ed. Roger D. Masters and trans. Judith R. Masters (New York and Boston: Bedford, 1978), Bk. III, Chapter 2.

²⁸ Rousseau, *The Social Contract*, IV, 8, 150-1.

²⁹ Rousseau, *The Social Contract*, IV, 8, 149.

³⁰ Rousseau, *The Social Contract*, IV, 8, 147.

³¹ For the most famous modern reading of Hegel's master-slave dialectic as a political struggle to the death, see Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, assembled by Raymond Queneau, ed. by Alan Bloom and trans. by James H. Nichols, Jr (Ithaca and London: Cornell University Press, 1969).

³² Rousseau, *The Social Contract*, IV, 8, 150.

³³ See the following for readings of Rousseau's theory of Civil Religion to which I am indebted: Diane Fourny, "Rousseau's Civil Religion Reconsidered," *The French Review* 60, no. 4 (1987): 485-496; Christopher Bertram, "Toleration and Pluralism in Rousseau's Civil Religion," in *Rousseau and l'Infâme: Religion, Toleration, and Fanaticism in the Age of Enlightenment*, ed. Ourida Mostefai and John T. Scott (Amsterdam: Rodopi, 2008); Ronald Beiner, *Civil Religion: A Dialogue in the History of Political Philosophy* (Cambridge: Cambridge University Press, 2011) and Joshua Karant, "Revisiting Rousseau's Civil Religion," *Philosophy and Social Criticism*, 42, no. 10: 1028-1058.

³⁴ Bertram, "Toleration and Pluralism in Rousseau's Civil Religion," 139-40.

³⁵ Karant, "Revisiting Rousseau's Civil Religion," 1029.

³⁶ Beiner, *Civil Religion*, 14-15.

³⁷ Rousseau, *The Social Contract*, 234.

³⁸ Rousseau, *The Social Contract*, II, 5, 64.

³⁹ Rousseau, *Julie*, 717.

⁴⁰ If Axa, and "The Levite of Ephraïm" more widely, can certainly be read as a (dismembered) part of a larger body of work on female sacrifice – which would also comprise *Julie* and especially the drama "The Death of Lucretia" – I would argue that it merits close attention in its own right not only because of its still relatively obscure status in his corpus but, more importantly, because Axa's sacrifice is not directly

comparable or analogous to the – quite literal – deaths of the other women. In Axa's figurative rather than literal sacrifice – her “half-dead [*demi-morte*]” state – I believe Rousseau more precisely captures the *formal* character of the political sacrifice he demands of the ideal citizen: they have both formally promised to give up their individual lives for that state as a condition of their entry into society even if that sacrifice is never, in actuality, given.

⁴¹ See Kavanagh, “Rousseau's *The Levite of Ephraim*,” 404, Wingrove, “Republican Romance,” 21 and Morgenstern, “Strangeness, Violence, and the Establishment of Nationhood in Rousseau,” 15-17.

⁴² Kavanagh, “Rousseau's *The Levite of Ephraim*,” 404, 409, 412.

⁴³ Arthur Bradley, “Let the Lord the Judge be the Judge: Hobbes and Locke on Jephthah, Liberalism and Martyrdom,” *Law, Culture and the Humanities*, May 16, 2017. DOI: 10.1177/1743872117708352. In this essay, I argue that Hobbes and Locke both read the story of Jephthah and his daughter in Judges 11-12 as a theological prototype for the origins of the sovereign right to violence, whether in the form of civil punishment or warfare.

⁴⁴ Marks, “Rousseau and the Jewish Example,” 480-1.

⁴⁵ Rousseau, *Second Discourse*, 250.

⁴⁶ Rousseau, *The Social Contract*, II, 2, 58.

⁴⁷ Rousseau, *The Social Contract*, 17.

⁴⁸ Rousseau, *Julie*, 314.

⁴⁹ Rousseau, *Second Discourse*, 173.

⁵⁰ Rousseau, “The Levite of Ephraïm,” 365.

⁵¹ Rousseau, “*The Levite of Ephraïm*,” 365.

⁵² Rousseau, *Emile*, 537.

⁵³ See Joel Schwarz, *The Sexual Politics of Jean-Jacques Rousseau* (Chicago, IL: University of Chicago Press, 1984), Elizabeth Wingrove, “Republican Romance,” *Representations*, no. 63 (Summer, 1998): 13-38 and Tamela Ice, *Resolving the Paradox of Jean-Jacques Rousseau’s Sexual Politics* (Lanham, MD: University Press of America. 2009).

⁵⁴ Wingrove, “Republican Romance,” 13.

⁵⁵ Wingrove, “Republican Romance,” 18-19.

⁵⁶ In the *Social Contract*, Rousseau famously condemns voluntary servitude as essentially unnatural or inhuman: “To renounce liberty is to renounce one’s quality as a man, the rights of humanity and even its duties. There can be no possible compensation [*dédommagement*] for someone who renounces everything. Such a renunciation is incompatible with the nature of man, and to deprive one’s will of all freedom is to deprive one’s actions of all morality from his acts” (*Social Contract*, I, 4, 45). To be sure, Rousseau’s critique of slavery would seem at first blush to contradict my sacrificial reading of “The Levite of Ephraïm” but, as Kochin rightly remarks, Axa’s self-sacrifice is obviously to be distinguished from a simple act of self-enslavement: “Such sacrifices are not renunciations of one’s freedom, voluntary self-enslavements of the sort Rousseau condemns as inherently self-contradictory in the *Social Contract*, but free acts of renouncing inclination for duty” (Kochin, “Living with the Bible,” 325). In Rousseau’s description of Axa’s critical moment of decision, moreover, the young woman is clearly depicted less as a slave who has renounced her humanity, than as one of those citizen martyrs we have already encountered who are willing to sacrifice their lives to their duty: her *passage à l’acte* is clearly an expression of her liberty (at least in the negative sense of being physically uncoerced), it is specifically made out of a sense of duty to her father rather than being a dereliction of duty and, as the story’s final sentence makes clear, it is the

confirmation of her virtue and that of her tribe rather than a surrender of her moral autonomy (“There are still virtues in Israel”).

⁵⁷ Rousseau, “The Levite of Ephraïm,” 364. See Kavanagh, “Rousseau’s *The Levite of Ephraim*,” 41; Wingrove, “Republican Romance,” 30-1 and Kochin “Living with the Bible,” 325 for readings of Axa’s submission which explicitly name it as an act of sacrifice.

⁵⁸ Rousseau, “The Levite of Ephraïm,” 364-5.

⁵⁹ Rousseau, *The Social Contract*, I, 7, 53.

⁶⁰ See also Wingrove, “Republican Romance,” 27. In her words, “Rousseau would much prefer that his Republicans freely choose to be forced, rather than force them to be free.”

⁶¹ See Kavanagh, “Rousseau’s *The Levite of Ephraim*,” 404; Wingrove, “Republican Romance,” 21; Weber, *Terror and its Discontents*, 53; Kochin, “Living with the Bible,” 325 and Morgenstern, “Strangeness, Violence, and the Establishment of Nationhood in Rousseau,” 15-17 for a range of positive and negative readings of “The Levite of Ephraïm” as an allegory of the formation of the political state.

⁶² Weber, *Terror and its Discontents*, 53.

⁶³ Kochin, “Living with the Bible,” 325.

⁶⁴ Wingrove, “Republican Romance,” 30-31.

⁶⁵ Rousseau, *The Social Contract*, IV, 8, 150.

⁶⁶ See Annie Jourdain, “Robespierre and Revolutionary Heroism” in *Robespierre* ed. by Colin Haydon and William Doyle (Cambridge: Cambridge University Press, 1999), 54-74.

⁶⁷ Maximilien Robespierre, *Œuvres de Maximilien Robespierre*, 11 vols (Paris: Société des études Robespierriistes, 1912-2007), X, 574. Translations my own.

⁶⁸ See the following for critiques of the secular assumptions of modern histories or genealogies of political thought: William T. Cavanaugh, “‘A Fire Strong Enough to Consume the House’: The Wars of Religion and the Rise of the State,” *Modern Theology* 11 (1995), 397-420; Jonathan Sheehan, “Assenting to the Law: Sacrifice and Punishment at the Dawn of Secularism” in *After Secular Law* ed. by Winnifred Fallers Sullivan, Robert A. Yelle and Matteo Taussig-Rubbo (Stanford, CA.: Stanford University Press, 2011), 62-79 and Conal Condren, “The History of Political Thought as Secular Genealogy: The Case of Liberty in Early Modern England,” *International History Review* 27, no. 3 (2017), 115-133.

⁶⁹ Robert N. Bellah, “Civil Religion in America,” *Dædalus, Journal of the American Academy of Arts and Sciences*, 96, no. 1 (Winter 1967): 1-21.

⁷⁰ Paul W. Kahn, *Putting Liberalism in its Place* (Princeton, NJ: Princeton University Press, 2008), 92.

⁷¹ Paul W. Kahn, *Political Theology: Four New Chapters on the Concept of Sovereignty* (New York: Columbia University Press, 2011), 156. In Kahn’s work, Abraham’s sacrifice of Isaac is the prototype for this sacrificial theology but we might argue that Axa works at least as well: Isaac, after all, survives intact.

⁷² See the book forums at *Immanent Frame* (<https://tif.ssrc.org/tag/paul-w-kahn/>) and *Political Theology Today* (<https://tif.ssrc.org/tag/paul-w-kahn/>) for a range of critical responses to Kahn’s *Political Theology*.

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